

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**United States of America,**

**Plaintiff,**

**-v-**

**Case No. CR-2-95-44(1)**

**Judge Smith**

**Derrick Russell,**

**Defendant.**

**OPINION AND ORDER**

Defendant Derrick Russell has again moved this Court to amend the Judgment entered in his case on February 25, 1997 (Doc. 1673). Defendant is not seeking a reduction in the length of his sentence, but rather seeking an amendment to his sentence to include serving the remaining 6 or 8 months of his sentence in a halfway house. For the reasons that follow, the Court **DENIES** Defendant's Motion.

On August 20, 1996, Defendant Derrick Russell pleaded guilty to one count of conspiracy to distribute and possess with intent to distribute cocaine and more than five grams of cocaine base. On February 25, 1997, the Court sentenced Russell to 324 months imprisonment and four years of supervised release. Russell later cooperated with the United States and testified as a government witness in a related trial. In response to this cooperation, the government filed a motion to reduce Russell's sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. The Court granted the motion and reduced Russell's sentence from 324 months to 156 months imprisonment. Russell is currently serving that sentence.

Defendant has previously filed two Motions to Reduce his sentence which have been

denied. In those Orders, the Court recognized Defendant Russell's efforts to help young members of the community as well as the work he has completed while incarcerated. The Court commends these activities and hopes Defendant will continue his hard work upon his release. However, the Court does not have the authority to amend Defendant's sentence. The Defendant is now under the control of the Bureau of Prisons. As the Defendant approaches completion of his sentence, there is a chance that the Bureau of Prisons may recommend some alternative sentence such as a halfway house to help Defendant transition from incarceration.

For all of the above reasons, the Court **DENIES** Defendant's Motion to Amend his Judgment.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
United States District Court